

| State Bar Court of California Hearing Department San Francisco ACTUAL SUSPENSION | | |
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| Counsel For The State Bar Susan Chan Senior Trial Counsel 180 Howard Street San Francisco, CA 94105 415-538-2384 Bar # 233229 | Case Number(s): 10-O-09003 10-O-11288 | For Court use only PUBLIC MATTER FILED OCT 02 2012 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO |
| In Pro Per Respondent William C. Seiffert 6060 Sunrise Vista Dr., Ste 1650 Citrus Heights, CA 95610 916-729-6249 Bar # 140291 | Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING | |
| In the Matter of: WILLIAM C. SEIFFERT Bar # 140291 A Member of the State Bar of California (Respondent) | ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED REMANDED BY SUPREME COURT ORDER S198611 | |

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 6, 1989.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: over the next two billing cycles immediately following the effective date of the Supreme Court order in this matter. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☒ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. Please see Stipulation Attachment at page 10.

- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. Please see Stipulation Attachment at page 10.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.

- (13) ☐ No mitigating circumstances are involved.

Additional mitigating circumstances:

Please see Stipulation Attachment at page 10, 11.

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of two (2) years.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent must be placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

- (3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of thirty (30) days.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of

information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☐ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**

- ☐ No MPRE recommended. Reason:
- (2) ☐ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: WILLIAM C. SEIFFERT

CASE NUMBER(S): 10-O-09003 [10-O-11288]

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Case No. 10-O-09003 (Complainant: Ewing)

FACTS:

1. On January 6, 2010, William Ewing (hereinafter "Ewing") retained respondent to represent him in a family law matter. At the time, Ewing had a pending dissolution of marriage action where default had been entered, in *Sharon Kay Ewing v. William Elijah Ewing, III*, case no. SDR 32271, filed in Superior Court, County of Placer. Ewing paid respondent \$3,000 as advanced fees for his services.
2. On February 9, 2010, respondent filed a motion to vacate and set aside default in the pending dissolution of marriage proceeding.
3. On March 15, 2010, respondent filed a response to the dissolution of marriage proceeding.
4. In April 2010, Ewing reconciled with his wife.
5. On April 6, 2010, Ewing met with respondent and informed him that the divorce proceeding would not be going forward. At that time, Ewing requested that respondent execute a Substitution of Attorney and requested an accounting and refund of any unused portion of the \$3,000 fee paid to respondent.
6. On April 15, 2010, Ewing sent a letter to respondent, requesting a refund of any unused portion of the \$3,000 fee paid to respondent. Respondent received the letter, but did not respond.
7. On May 3, 2010, Ewing sent a letter to respondent, requesting a refund of any unused portion of the \$3,000 fee paid to respondent. Respondent received the letter, but did not respond.
8. On May 27, 2010, Ewing sent a letter to respondent, requesting a refund of any unused portion of the \$3,000 fee paid to respondent. Respondent received the letter, but did not respond.

9. On June 1, 2010, Ewing sent a letter to respondent, requesting a refund of any unused portion of the \$3,000 fee paid to respondent. Respondent received the letter, but did not respond.
10. On June 25, 2010, Ewing sent a letter by certified mail to respondent, requesting an accounting and refund of any unused portion of the \$3,000 fee paid to respondent. Respondent received the letter, but did not respond.
11. On or about July 13, 2010, Ewing filed a complaint against respondent with the State Bar ("Ewing complaint").
12. On January 4, 2011, and January 24, 2011, a State Bar investigator sent letters to respondent requesting a written response to the allegations in the Ewing complaint. Respondent received both of these letters shortly after they were mailed, but failed to respond to them and failed to otherwise cooperate with and failed to participate in the State Bar investigation.
13. On August 31, 2011, respondent provided Ewing an accounting of his fees and refunded \$1,142.50 in advance fees that was not earned.

CONCLUSIONS OF LAW:

14. By failing to refund any part of the \$3,000 advanced fee as requested by the client on April 6, 2010, until August 31, 2011, Respondent failed to promptly refund any part of a fee paid in advance that has not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).
15. By failing to provide an accounting despite Ewing's requests on April 6, 2010 and June 25, 2010, Respondent failed to render appropriate accounts to a client regarding all funds coming into respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).
16. By failing to respond to the State Bar letters requesting a written response to allegations, Respondent failed to cooperate and participate in a disciplinary investigation pending against him in willful violation of Business and Professions Code section 6068(i).

Case No. 10-O-11288 (Complainant: Sato-Nunneley)

FACTS:

17. On January 24, 2009, Kiyo Sato-Nunneley (hereinafter "Sato-Nunneley") retained respondent to file a petition for divorce on her behalf. Sato paid respondent \$2,500 as advanced fees for his services.
18. On January 26, 2009, respondent filed Sato-Nunneley's divorce petition in Sacramento County Superior Court, in the matter *Kiyo Sato Nunneley v. Clarence Malcolm Nuneley*, case no. 09FL00515. The opposing party was represented by counsel, Thomas A. Nickens.

19. On January 29, 2009, respondent provided Sato-Nunneley with an accounting which showed a retainer balance of \$1,745.00.
20. On or about June 2, 2009, Nickens filed a Memorandum to Set a Settlement Conference on August 5, 2009 and trial on August 13, 2009. In June/July, 2009, the parties reached a settlement agreement. Sato-Nunneley was not aware of any settlement in her marital dissolution action. Respondent did not consult with Sato-Nunneley regarding any settlement agreement.
21. On July 29, 2009, Nickens wrote a letter to respondent confirming the parties settlement agreement, that respondent was to prepare the Marital Settlement Agreement, and in consideration of the settlement, the settlement conference and trial dates would be taken off calendar.
22. On July 29, 2009, Nickens advised the court by letter that the parties have reached an out-of-court settlement agreement and requested the August 5, 2009 settlement conference and August 13, 2009 trial date be vacated.
23. From July 29, 2009 through November 2009, respondent did not prepare the Marital Settlement Agreement.
24. In November 2009, the opposing party passed away. Sato-Nunneley contacted respondent via telephone and left a message requesting a status update on her petition for marriage dissolution and to ascertain if she was a widow or divorcee. Respondent received the telephonic message, but did not respond.
25. Between February 2009 through August 2010, Sato left numerous telephonic messages for respondent requesting a status update of her case. Respondent received these messages, but did not respond.
26. Respondent did not earn the entire \$2,500 advanced fee he received from Sato-Nunneley.
27. On August 19, 2010, Sato-Nunneley filed a complaint against respondent with the State Bar ("Sato-Nunneley complaint").
28. On April 8, 2011, and May 24, 2011, a State Bar investigator sent letters to respondent requesting a written response to the allegations in the Sato-Nunneley complaint. Respondent received both of these letters shortly after they were mailed, but failed to respond to them and failed to otherwise cooperate with and failed to participate in the State Bar investigation.
29. On August 31, 2011, respondent refunded part of the \$2,500 advance fee that Sato-Nunneley paid for legal services that had not been earned.

CONCLUSIONS OF LAW:

30. By filing the divorce petition and taking no further action on behalf of Sato-Nunneley after July 2009, respondent effectively withdrew from representation of Sato-Nunneley. Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).
31. By failing to respond to Sato-Nunneley's telephone messages between February 2009 through August 2010, respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m). By failing to communicate with Sato regarding settlement discussions regarding her divorce petition, respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).
32. By failing to respond to the State Bar's letters, respondent failed to cooperate and participate in a disciplinary investigation pending against him in willful violation of Business and Professions Code section 6068(i).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Multiple/Pattern of Misconduct: Respondent's misconduct evidences multiple acts of wrongdoing, which consists of six separate acts of misconduct in two separate client matters. This misconduct does not constitute a pattern. Standard 1.2(b)(ii). (See *Bledsoe v. State Bar* (1991) 52 Cal.3d 1074 [defining pattern of misconduct].)

Indifference: Respondent's delay in refunding unearned legal fees to Ewing and Sato-Nunneley until August 2011 demonstrates indifference toward rectification of or atonement for the consequences of his misconduct. Standard 1.2(b)(v).

ADDITIONAL FACTS RE MITIGATING CIRCUMSTANCES.

No Prior Discipline: Though respondent's misconduct is serious, Respondent has no prior discipline in over 23 years of practice and is entitled to some mitigation. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 49).

Pre-trial Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to trial, thereby saving State Bar Court time and resources. (*In the Matter of Downey* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 151, 156; *In the Matter of Van Sickle* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 980, 993-994).

Other: During 2008 and 2009, respondent experienced financial stress after he lost his job after 14 years at a non-profit organization and subsequently lost his family home in a short sale. Respondent's employment at the non-profit organization supplemented his income from his law practice. The loss of

his job coupled with the loss of his home and the economic downturn contributed to respondent's inability to adequately manage his law practice and contributed to his improper withdrawal from representation of Sato-Nunneley and his failure to promptly respond to Sato-Nunneley's status inquiries regarding her case. In June 2010, respondent underwent an unplanned medical procedure for fistulotomy which contributed to respondent's lapse in attention to timely respond to Ewing's request for an accounting and return of unearned fees. Though these stress factors related to his financial and physical problems do not excuse respondent's obligation to his clients, limited mitigation exists even in the absence of expert testimony. (*Coombs v. State Bar* (1989) 49 Cal. 3d 679, 693-694 ["In considering the nature of a disciplinary offense, the court is not insensitive to the personal and professional problems that frequently besiege the practitioner, and in some cases personal problems may legitimately explain a period of inattention to one's law practice. In others, however, they may merely provide a convenient excuse."]; *In the Matter of Mapps* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 1, 26 [attorney's two instances of misconduct took place during the same short period of time, and attorney attributed them to the same problem of financial difficulty, this factor could properly be considered in mitigation].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct provide a "process of fixing discipline" pursuant to a set of written principles to "better discharge the purposes of attorney discipline as announced by the Supreme Court." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, Introduction (all further references to standards are to this source).) The primary purposes of disciplinary proceedings and of the sanctions imposed are "the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession." (*In re Morse* (1995) 11 Cal.4th 184, 205; std 1.3.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) Any discipline recommendation different from that set forth in the applicable standards should clearly explain the reasons for the deviation. (*Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

Respondent admits to committing six (6) acts of professional misconduct. Standard 1.6 (a) requires that where a Respondent acknowledges two or more acts of misconduct, and different sanctions are prescribed by the standards that apply to those acts, the sanction imposed shall be the more or most severe prescribed in the applicable standards. The most severe sanction applicable to Respondent's misconduct is found in standard 2.2(b), which applies to Respondent's violation of rule 4-100(B)(3), Rules of Professional Conduct, which requires actual suspension of three months from the practice of law, irrespective of mitigating circumstances.

Deviation from the Standards, however, may be appropriate where there exists grave doubts as to the propriety of applying them in a particular case. (*Silvertown, supra*, 36 Cal.4th at 92). For example, deviation from the Standards may be appropriate where extraordinary circumstances exist or where the imposition of discipline called for by the Standards would be manifestly unjust. (*Sternlieb v. State Bar* (1990) 52 Cal. 3d 317, 321 [30-day actual suspension for misappropriation and failure to properly account for trust funds. Attorney had no prior discipline, expressed remorse and established office

procedures to avoid future mismanagement]; *In the Matter of Fonte* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 752 [60-day actual suspension for failing to provide proper accounting, obtaining adverse interests in client property, representing clients with conflicting interests, aggravated by overreaching, and uncharged misconduct. Attorney had 25 years of practice without discipline and extensive public service]; *In the Matter of Respondent F* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr 17, 36-39 [deviation from standard 2.2(b) requirement of at least three months actual suspension for a trust account violation].

Here, a strict application of Standard 2.2(b) would be manifestly unjust, for Respondent's failure to provide an accounting of fees to his client in case no. 10-O-09003. In that matter, Respondent did not fail to perform services and there was no dispute concerning Respondent's fees. Albeit late, Respondent also provided an accounting of his fees and refunded unearned fees prior to the execution of this stipulation.

In addition, balanced against the factors in mitigation as previously described, a 30-day suspension with two years of monitored probation will sufficiently address the primary purposes of attorney discipline. Respondent has no prior discipline over more than 23 years in practice. During at least part of the time of his misconduct, Respondent suffered financial difficulties which included the loss of his home and employment. He was also treating a medical condition during 2010. Respondent entered into a comprehensive stipulation in order to resolve this matter early and, although not considered mitigation, Respondent refunded all unearned fees prior to the execution of this stipulation and has written letters to his former clients that acknowledge his misconduct.

In consideration of the facts and circumstances surrounding respondent's misconduct, and the aggravating and mitigating circumstances present, the parties submit that the intent and goals of Standard 1.3 are met in this matter by the imposition of a two-year suspension, stayed, and two years probation including a 30-day actual suspension.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was September 10, 2012.

COSTS OF DISCIPLINARY PROCEEDINGS.


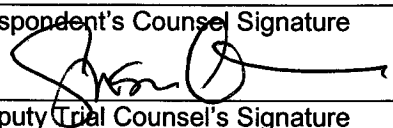
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of September 10, 2012, the prosecution costs in this matter are \$3,797.95. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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| In the Matter of: William C. Seiffert | Case number(s): 10-O-09003; 10-O-11288 |
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

| | | |
|--------------------------|--|--|
| <u>9/24/2012</u> Date | <u></u> Respondent's Signature | <u>William C. Seiffert</u> Print Name |
| <u>9/26/2012</u> Date | <u></u> Respondent's Counsel Signature | <u>Susan Chan</u> Print Name |
| | <u>Deputy Trial Counsel's Signature</u> | <u>Print Name</u> |

(Do not write above this line.)

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| In the Matter of: William C. Seiffert SBN 140291 | Case Number(s): 10-O-09003; 10-O-11288 |
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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☒ All Hearing dates are vacated.

1. On page 5 of the stipulation, an "X" is inserted in the box next to paragraph E.(5).

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

Oct. 2, 2012


LUCY ARMENDARIZ
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on October 2, 2012, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

WILLIAM C. SEIFFERT
6060 SUNRISE VISTA DR STE 1650
CITRUS HEIGHTS, CA 95610
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Susan Chan, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on October 2, 2012.


George Hue
Case Administrator
State Bar Court